

A Trade in America
524
State of the Trade

Carried on with the

R
F R E N C H,

On the Island of HISPANIOLA,

By the MERCHANTS in *North America,*

Under Colour of FLAGS of TRUCE.

Occasioned by some CAPTURES of the said FLAGS,
lately made by His Majesty's Ships, under the Com-
mand of Admiral COTES.

By a MERCHANT of LONDON.

*Quis paria esse feré placuit peccata, laborant
Quum ventum ad verum est.*

HOR.



L O N D O N :

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A

State of the Trade

Carried on by the

F R E N C H,

On the Island of HISPANIOLA, &c.

IN a nation like this, whose wealth, splendor, and power, intirely depend on its commerce being properly supported and encouraged, no attempt ought to be made, to put a stop to it, unless on the most mature consideration, and the most exact scrutiny, it should appear to be manifestly injurious to the public. And altho' such a disquisition is often attended with great difficulties (as in the case of the *East India* company's trade, where, in order to form a proper judgment of its utility or inconvenience, you must not only have an eye to the money and other commodities that are primarily exported from hence,

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and

and to the returns made for the same immediately from the *Indies*; but also consider to what places the goods so imported are again sent, and what returns are made for them; and so on almost *ad infinitum*) yet that is not the case in any commerce, where the adventure is finally concluded in the course of a few months, and a ballance struck, by which it may be easily seen what quantity of cash is brought into the kingdom, more than is exported; that being the sure criterion, by which we may judge with truth and precision of the advantage, or disadvantage, of any particular branch. But it is so common for people to judge by appearances only, without having the means of information in their power, or leisure or attention sufficient to enable them to gain a competent knowledge of the circumstances which are necessary to be known, in order to form a just opinion of the facts they either censure or applaud; and self-interest, and popular prejudices are so apt to bias and mislead the greater part of mankind, that I am not surprized at hearing many express their wishes, “ that the flags of truce, which
 “ have lately been taken in the *West Indies*, by
 “ some of his majesty’s ships, under the command of admiral *Cotes*, returning from *Hispaniola* to *North America*, laden with sugars
 “ and

" and other valuable commodities, purchased
 " of the *French*, may be condemned as prizes
 " to the captors;" " to prevent," say they,
 " for the future, the iniquitous trade carried on
 " by our colonists, to the prejudice of their
 " mother-country." If that assertion be true,
 if the trade thus carried on by the merchants
 in *North America* be found prejudicial and in-
 jurious to the nation, may their wishes be gra-
 tified: But if, on the contrary, it shall appear
 to be of the greatest benefit to the kingdom,
 and the main source from whence we have
 been enabled to support the extraordinary de-
 mands for cash, that have been made upon us
 in order to enable his majesty to carry on the
 present just and necessary, but most expensive
 war, how much does it deserve encourage-
 ment? and how much is the public injured
 by the commanders of such of his majesty's
 ships of war, as are employed in taking flags
 of truce, and enriching themselves at the ex-
 pence of their fellow citizens, and the com-
 monweal? instead of using the power they are
 intrusted with, for the protection of the trade
 and commerce of his majesty's subjects a-
 gainst the enemy, whose privateers are little
 worth looking after, when their value is com-
 pared with that of a cargo of sugar and in-
 dico. In order that the public may judge

whether the commerce abovementioned be pernicious or beneficial, I shall, with the utmost impartiality, and the strictest regard to truth, give an account of the method in which it has been carried on ; and after shewing, as briefly as possible, some of the benefits the nation has reaped by it, endeavour to obviate the only objections I have ever heard made thereto.

During the present war, many *English* ships have been made prize of by the enemy in the *West Indies*, and many of the enemy's ships have been taken by the privateers of *New York, Philadelphia, Boston*, and other our colonies in *North America*, and the crews imprisoned ; but as they were so dispersed over the whole continent, that a considerable number could not easily be collected together at any one place, so they must have languished in prison in *North America*, while the crews of our vessels, which were taken by the enemy, were dying in the goals of the *French* islands ; where, from the excessive heat of the climate, close confinement is more insupportable than elsewhere ; or the government must have been put to a very considerable expence, in having them exchanged. But private merchants were informed, that if they could obtain

tain flags of truce from time to time, to carry the *French* prisoners to the island of *Hispaniola*, they should not only have an equal number in exchange, but moreover should be allowed a liberty of trading for the commodities of the country; which, as the *French* could not send to *France* themselves, on account of the prodigious insurance they are obliged to pay on their vessels bound to *Europe*, were of little or no value to them, and might be purchased at a most reasonable rate. Upon this consideration, a number of gentlemen engaged to carry such prisoners to the ports of *Leoganne*, *Cape Francois*, *Port au Prince*, and other *French* ports in *Hispaniola*, and bring back an equal number in return, without any expence to the government. Accordingly flags of truce have been granted by the governors of the several provinces in *North America* to a great number of vessels, which have proceeded on their respective voyages, loaded with such goods as they thought most proper to purchase their cargoes of sugars and indico at their ports of destination in the abovementioned island of *Hispaniola*. The commodities carried from the continent for the above purpose,

- ✓ chiefly consisted of printed linnens and cot-
- ✓ tons of *English* manufacture, *Irish* linnens,
- ✓ woollen cloths, printed calicoes, shoes, stockings,

ings, spices, *French* prize wines, and *Spanish* pistoles, reduced to the weight of 3 dwts. 12 gra. which pass in *Hispaniola* for 30 livres. These commodities yield from 50 to 100 *per cent.* profit; and with the produce thereof have those vessels procured their cargoes of sugars, which have been purchased from 5 to 10 livres *per* hundred weight; so that, supposing a cargo, with which one of these vessels was loaded at *Philadelphia*, *New-York*, or elsewhere in *North America*, to be worth 1000 *l.* sterling, and to sell at 50 *per cent.* profit, it is worth at *Port au Prince*, or any other *French* port in *Hispaniola*, more than 60,000 livres. This sum, at 10 livres *per cent.* for *Muscovado* sugar, will purchase 600 hogsheads of that commodity of one thousand weight each, which are sent to *Holland*, and sold at the rate of, from 40 s. to 50 s. sterl. *per* hundred weight; or one hogshead with another for about 25 *l.* and the produce remitted to *England*, and there laid out in *English* goods, to be exported for *North America*; so that for about 3 *l.* 5 s. sterl. the nation receives the sum of 25 *l.* sterl. or near 800 *per cent.* besides the advantage the nation receives, by employing so many ships and mariners unmolested by the enemy. It is said, that on a moderate computation, not so little as 400,000 *l.* sterling's worth of commodities of *British* manufacture,

nufacture, or the produce of our colonies, have, during this war, been thus sent to the *French* islands from *North America*; which must bring back into this kingdom, the enormous profit of 3,200,000 *l.* That the fact here represented is true, any gentleman may satisfy himself, by enquiry of the merchants, who trade to *New-York*, or *Philadelphia*, who can neither be ignorant of the channel, thro' which their remittances come, nor of the extraordinary call that hath been made for goods of *English* manufacture, for those markets; in-
 somuch, that all the manufacturers find it out of their power to supply the demand; from which it is extremely evident, what prodigious advantage results to this kingdom from this commerce. In short, we may with truth affirm, that *Hispaniola*, thus circumstanced, is equally valuable to the *British* nation, in the hands of the *French*, with any of our own islands, and much more so than *Guadaloupe*; the conquest of which (tho' glorious) cost no small quantity both of blood and treasure. These advantages must necessarily be lost, if the vessels abovementioned, which now are, or hereafter shall be taken, be condemned; and the trade will be intirely put a stop to.

Zeal,

Zeal, not according to knowledge, in some, and self-interest in others, have been the occasion that this trade hath been deemed pernicious and prejudicial. But let us examine their objections with impartiality and candor, and give them no more than their due weight; and it will be clearly seen which scale will preponderate. The objections I have heard are these, *viz.* That under pretence of carrying other goods, the flags carry provisions and warlike stores to the enemy---That by bringing such quantities of *French* sugar into *Europe*, from the *French* islands, we injure our own --- And lastly, that unless the *French* were supplied by us, they could not carry on their sugar-works, but must entirely abandon them, or perhaps would surrender themselves up, and seek protection from this nation.

In answer to the first objection, nothing more need be said, than to deny the fact; which, I believe, might with justice be done; as few, if any vessels, carry provisions; and none, that I ever heard of, have carried warlike stores. That the *French* in *Hispaniola* have been supplied with some provisions from the most northern of the *American* colonies, and the island

island of *Jamaica* *, but not by the flags of truce, is true ; for if I am rightly informed, the *French* do not insist on a vessel's having a flag that brings them provisions, but they are protected and countenanced without. Severe laws have been made to prevent the colonies from carrying provisions to the *French*, or even to neutral powers, as it hath been deemed by the legislature a pernicious trade ; and by those laws, persons carrying it on are liable to punishment. But whether it might not be more politic, to permit the *French* and neutral islands to be supplied with provisions from *North America*, rather than prohibit it, may be worth the consideration of the legislature, from this observation, *viz.* that from the island of *Hispaniola*, where they have of late been by some means or another supplied with provisions, few or no privateers have been fitted out, to annoy or distress our commerce ;

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whereas,

* A trade with *Hispaniola* hath been constantly carried on this war by flags of truce from *Jamaica*, but the returns have been chiefly made in indigo; whether the gentlemen in *Jamaica* have influence enough with the commanders of his majesty's ships to cause them to wink at it; or whether a more interesting motive hath been the reason those ships have not shared the same fate with those of *North America*, I am not able to determine; but few, if any, have been taken.

— whereas, from the island of *Martinico*, where
 — they are not supplied by the same means, they
 — have equipped so many privateers, as to injure
 — our trade to the *Leeward Islands* in the most
 — essential manner ; and have taken so many ves-
 sels laden with bread and flour from *North*
America to our *West India* islands, the only
 places they have the liberty of shipping to,
 that those commodities, during the course of
 — the war, have been cheaper in *Martinico*
 than at the places of their growth. Add to
 this, that *Monto Christi*, a *Spanish* port, from
 whence the *French* part of the island of
Hispaniola may be easily supplied with all kind
 of provisions and necessaries, is open both to
 — *Spanish* and other *European* vessels, who may
 always supply the *French* by that channel with
 whatever is necessary for them, without a possi-
 bility of our preventing it any other way, than
 — by coming to a rupture with *Spain* (the pro-
 priety of which measure is what I am not a
 judge of) and I believe it is from thence that
 the *French* have been supplied this war. But
 not to insist on this at all, if any flags are taken
 — with provisions, the captain and freighters will
 — doubtless incur the penalty of the late act of
 parliament ; the severity of which will surely
 prevent such a trade, if it is put in force. But
 ought

ought that to be a reason for condemning those who do not carry on such a trade ?

The next objection is, that the bringing so much sugar from the *French* islands hurts our own.

The annual importation of sugar from all our islands, on an average, amounts to no more than 64344 hogsheads ; and the annual consumption in *Great Britain* only, to 58773 hogsheads, calculating each hogshead to weigh 14 hundred weight. *Ireland* consumes 15000 hogsheads at least ; and *North America* as much ; so that we consume ourselves annually upwards of 24000 hogsheads more than our own islands will supply *. In order to make good which

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* An account of the quantity of raw sugar imported from *Christmas* 1745 to *Christmas* 1755, distinguishing each year.

	Cwt.	qr.	lb.
To <i>Christmas</i> 1746 ———	753,449	0	17
1747 ———	608,462	2	14
1748 ———	981,449	1	6
1749 ———	933,296	2	5
1750 ———	914,044	2	3
1751 ———	825,947	1	27
1752 ———	837,083	0	5
1753 ———	1,117,939	3	1
1754 ———	859,131	2	12
1755 ———	1,177,369	0	25
	9,008,173	1	3

An

deficiency, recourse must be had to foreign markets ; and in fact, *Ireland* is supplied with *Brazil* sugars from *Lisbon*, and *North America* from the *French* islands, even in time of peace†. So

An Account of the quantity of raw sugar exported from *Christmas* 1745 to *Christmas* 1755, distinguishing each year.

	Cwt.	qr.	lb.
To <i>Christmas</i> 1746 ———	93,244	0	22
1747 ———	51,885	1	1
1748 ———	115,727	1	11
1749 ———	128,107	2	6
1750 ———	107,964	0	22
1751 ———	43,769	3	6
1752 ———	35,712	2	16
1753 ———	55,687	2	6
1754 ———	42,818	2	17
1755 ———	105,030	0	24
	779,947	1	19

The acquisition of *Guadaloupe*, and the quantity of *French* prize sugars fraudulently imported, as of the growth of that island, or repacked and imported as the produce of our own islands, rendered it absolutely impossible to know with any degree of certainty the quantity imported of the growth of our own islands since the war ; which are the reasons why the above account is not continued to this present time.

† I would not be understood to mean, that neither *Ireland* nor *North America* are supplied with any from *North America* ; but I believe, if we allow that the half of their

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So that we are in reality no otherwise benefited by the exports from our sugar colonies, than as they keep the cash among ourselves, which must otherwise be sent abroad for the purchase of foreign sugars, but do not add a penny more to the common stock. 'Tis true, indeed, the gentlemen who have large estates in our *West India* islands, may say, we should get a great deal more money for our sugars, provided no *French* sugars were to come into *Europe*, which is undoubtedly true; but from whom would they receive this additional profit? would it not be from the subjects of *Great Britain*, who, as is before observed, use more than all our islands can produce? and supposing the *English* did not bring the *French* sugars into *Europe*, would it from thence follow, that the *French* sugars would not come to market at all? Would not the *Spaniards*, the *Danes*, the *Dutch*, and other nations, who now only share with us in this branch, have it all to themselves; and as effectually keep the price down in foreign markets, as at present? so that *Great Britain* alone would pay advanced prices on sugars, to the benefit of the planters and

gen-

consumption is supplied from our islands, it is more than we ought to do, especially, if we consider, that of the trifling quantity exported from hence, much the greatest part is sent to *Ireland*.

— gentlemen who have estates in our islands ;
 — the profits of which, at the present prices their
 — produce sells for, are vastly large, compared
 — to those of any landed estates in *Great Bri-*
 — *tain*. If the fact is as above represented, surely
 — the private emolument of a few particular
 — gentlemen in our *West India* islands, will not
 — be a sufficient reason for putting a stop to a
 — branch of commerce, by which the nation is
 — so considerably benefited. Indeed, if the
 — produce of our islands, or if the sugars made
 — in our islands were so reduced in price, by the
 — quantity of *French* sugars brought to market in
 — *Europe*, that the islanders could not receive a
 — profit sufficient to enable them to carry on their
 — works, they would have reason to complain,
 — and their objection would have great weight.
 — But is either of these the case ? will any one
 — be hardy enough to assert it ? It is well known,
 — that in the first instance they do not in all the
 — islands produce sufficient for our own con-
 — sumption ; and let the opulence, riches, and
 — I had almost said, undue influence of the
 — *West Indians*, answer the other.

— But, say the gentlemen who are very fan-
 guine in their endeavours to put a stop to the
North Americans trading with the Enemy,
 “ If we were to prevent the *French* in His-
 — *paniola*

“ *paniola* from being supplied with provi-
 “ sions, cloathing, and other necessaries of life
 “ from thence, they would not be able to
 “ carry on their sugar-works in that island,
 “ and must of consequence be absolutely
 “ ruined ; or perhaps, to prevent that, would
 “ surrender themselves to his majesty’s forces,
 “ and put themselves under the protection of
 “ the *British* government.” But surely this
 — notion is too chimerical to be entertained by
 any but those of heated imaginations. As
 I have before observ’d, if we did not supply
 them, would it follow from thence that no
 body else would ? Would the *Spaniards*,
Dutch, *Danes*, and *Swedes*, let slip so favoura-
 ble an opportunity of enriching themselves ?
 — How does *Martinico* support itself ? Happily
 for the *Dutch* we carry on no trade there.
 However we will for a moment suppose
 (though without granting it) that unless the
French were supplied with necessaries from
America they would be obliged to abandon
 their plantations in *Hispaniola* ; how would
 this nation be benefited ? Would our trade
 be more extensive ? Would more of our
 ships be employed ? Would the consumption
 of our manufactures be more considerable ?
 or should we, on a balance of the account of
 profit and loss, find that the nation gained
 money

N^o money by this distress of our enemies? Or
 would they be thereby less enabled to conti-
 nue the war? Rather would not the contrary
 of all these happen, and this nation be de-
 prived of those sums of money which have
 in a great measure supplied us with the
 N^o means of paying those subscriptions which
 were so readily made, to enable his majesty to
 prosecute with vigour and effect this just and
 necessary war? And I am well assured, that
 if our planters in the *West-Indies* are asked,
 — Whether, out of 10 livres *per C.* for sugars,
 any thing can be saved (over and above what
 is sufficient to support and cloath the negroes
 — of their plantations) to answer the calls of
 government, or any other emergencies; they
 — will answer in the negative. And indeed,
 if we may judge of the benefit that would
 accrue to us from the absolute acquisition of
 the whole island, from the advantage we have
 N^o — received by the possession of *Guadaloupe*, we
 have no reason to wish the *French* would
 surrender it, unless we are to keep it after the
 N^o peace. Will not the conduct of the inhabi-
 tants of *Hispaniola* be the same, after the
 surrender of it, as that of the inhabitants of
 N^o *Guadaloupe* hath been? Should we not then
 find the absolute possession of the whole
 island much less advantageous to us, than
 having

having the produce of it on so cheap terms as abovemention'd *? But it is combating the air to argue against facts which can scarce possibly happen. I shall therefore say no more on this subject, but leave my readers to reflect, whether there is the least ground to expect the *French* can be drove to such straits as to deliver so plentiful an island up to their inveterate enemies, when their friends the *Spaniards* are so near at hand; but shall proceed to recapitulate the many disadvantages that will be the consequence of prohibiting flags of truce from *North America* from trading with the enemy.

In the first place the nation will be deprived of the sum of 1,500,000 *l. per ann.* which is at least the profit upon the sugars thus purchased at *Hispaniola*; neither so many
D ships

* It is notorious, that since we have been in possession of *Guadaloupe*, and the inhabitants have had the advantage of an open trade with the *English*, that one-third part of the produce of their sugars hath been sufficient to maintain them, to which amount they take of our manufactures; the amount of the remainder must be paid for in cash, which they keep in their own hands, or remit to their friends in *France*: whereas, if they can in *Hispaniola* barter their whole produce for sufficient to support themselves and negroes, 'tis as much as they can obtain, and more they do not expect.

ships or seamen will be employed in the commerce of this nation, to the great injury of our marine — The northern colonies will not be able to support those provincial troops which they have hitherto raised, cloathed, and paid, at an immense expence, to assist his majesty's forces against the common enemy, or to make their remittances to *England*; the bad consequences of which will be severely felt by the whole nation, as (if the war continues another year) many of the principal merchants in this kingdom will be absolutely disabled (without receiving the remittances from *North America*, which ought in course to come home before the latter end of this year) to answer those demands, which the emergencies of state must necessarily make upon them. From the late act of parliament made in the 30th year of his present majesty to prevent the exportation of provisions to neutral ports, which still continues in force against the *Americans*, they are at present prohibited from vending those commodities at all; our own islands, the only places they have liberty of shipping to, having in general been so over-stocked these eighteen months past, that scarce any body has attempted to send any provisions there, that hath not been obliged to sell them at a loss.

So

So that the provinces of the *Massachusetts*, *New-England*, *New-York*, both the *Jerseys*, *Pensylvania*, and the upper parts of *Maryland*, (whose only staple commodity hath been provisions) if this trade is stopped, will be deprived of the only means left them to make their remittances to *England* for the goods heretofore sent out. This will be not only an immediate detriment to the merchant both here and there, but will have this further bad consequence, that the merchant here, not being either able or willing to increase his debts in a country from which he can receive no remittances, will refuse sending any more goods to *America*; which will put the *Americans* upon manufacturing their own apparel, to the irretrievable detriment of our own staple: nor will any one imagine such an apprehension to be ill-grounded, when he is informed, that besides the making coarse cloths, both linnen and woollen (tho' but in an inconsiderable quantity at present) there are upwards of 80000 pair of stockings worth from 2 s. 6 d. to 5 s. sterling a pair, manufactured in and within ten miles of the city of *Philadelphia*. Nor can any laws restrain them from continuing to increase their manufactures, unless at the same time they can be employed in some

other business that will be equally beneficial to them, at the same time that it may not injure, but be of advantage to the mother-country.

Such, I apprehend, is this trade with *Hispaniola* for sugars; and in time of peace such would be the encouraging them to plant vine-yards, hemp, flax, and other such like commodities; — but to return;

There is another reason still behind, which seems to me to render the condemnation of flags of truce not only impolitic, but in the highest degree unjust; which is, that this trade has been carried on with at least the implied consent and approbation of the government. . . For it cannot be supposed that his majesty's governors in *North-America*, who granted flags of truce to private merchants to carry *French* prisoners to *Hispaniola*, and bring back others in return at their own expence, were ignorant that in so doing they had a view to their own private advantage. Nor could they be ignorant how that advantage arose; when the flags returned to the ports from whence they first proceeded, and there made regular entries, at the several custom-houses, of the respective cargoes.

cargoes of foreign sugars with which they were loaded.

These circumstances prove to demonstration that the persons who have been concerned in that trade, have not thought it illegal, or any ways contrary to the interest of the government. But, on the other hand, they looked on these flags as licences to carry on such a trade with the enemy; a trade, that it is so apparently the interest of these kingdoms to encourage by all possible means. And they were confirmed in this opinion, and many people, who doubted whether it was legal, were encouraged to engage in it, from perceiving, that tho' many of these ships were taken by the *English* privateers in *North America*, at the first of the war, yet by the unanimous opinion of all the judges of every court of admiralty in *North America*, not one of them hath been condemned, but discharged without the least hesitation, upon a supposition that a traffick of so great utility to the nation was not the trade intended to be prohibited by his majesty's proclamation, wherein he forbids his subjects intercourse with the enemy. That such a supposition was a natural one, and what they were well justified in making, on a review of the conduct of the mother country, both in this and former

mer wars, will, I believe, be granted me by any impartial enquirer, who will consider, that in the reign of her late majesty queen *Anne*, when an act of parliament * was made to prohibit commerce with the *French*; it was so prejudicial to the interest of the nation, that the legislature thought proper to repeal that act, so far as related to the importation of wines from *France* †; the reason given for it was, that it was prejudicial to her majesty's revenue (an inconvenience surely vastly inferior to what the nation would experience from putting a stop to this commerce ‡) and in that, as well as in the subsequent wars between us and *France*, tobacco has always been allowed to be sent to the enemy, on account of the profit the nation received therefrom, which is said to be not less than 250,000 *l. per annum*. If that is a sufficient reason for allowing us to export tobacco to the enemy, will not the reason for suffering the abovementioned trade be six times as strong in proportion to the profit, which

* 3 & 4 *Ann.* c. 13.

† 9 *Ann.* c. 8.

‡ It is notorious, that in the late war with *Spain*, a trade with the enemy in *New Spain*, was so far from being esteemed illicit, that admiral *Vernon*, when on the coast, gave the ships of his majesty's subjects all the countenance and protection he possibly could, in their persecution of it.

which is six times as great ? That a total intercourse was not intended to be prohibited, let any one judge from the quantity of *French* cambricks legally imported, and for which cash, to a very large amount, is annually sent out of the kingdom ; from the bills upon *Paris*, and other parts of *France*, that are publicly negociated every week upon the *Royal Exchange*, and from the *French* news-papers, which are brought over by every *Flanders* mail. It must, I say, from these facts, be sufficiently clear, that his majesty's proclamation can only be intended to prohibit such a commerce with *France*, as is prejudicial to the interest of the nation ; whether this is such, let the impartial determine : nay, let our sugar-planters themselves be the judges, whether there can be a more effectual method of destroying the *French* in the island of *Hispaniola*, than thus buying their commodities at so low a price. What remonstrances should we not have from them, on account of their calamitous situation, if they were obliged to sell their sugars in *Jamaica*, &c. at 7 s. 6 d. or 10 s. *per C* ? I will be bold to affirm, such a trade carried on with the *French*, will, in the course of a few years, more effectually ruin them, than ten such victories as that so gloriously gained last year on the plains of *Minden*.

After

After what has been said, will it not appear cruel and unjust to condemn the vessels above-mentioned to have been taken carrying on such trade with the enemy, considering the countenance and encouragement that have been thus given by his majesty's governors to those who have engaged in it; and who, if their vessels and cargoes now taken be confiscated, will not only be ruined themselves, but will in their fall crush many of those merchants in *England*, who are connected with them in shipping their goods upon credit, without being the least concerned with them in the above commerce (which however there could not be any reason to think illegal) and can there be a more effectual step taken to stop the circulation of cash in this metropolis (where already the wheel moves with the utmost difficulty) than thus to dam up the most considerable source from whence our riches flow? However, if those whose province it is to judge of these matters find such mischievous consequences arising from this commerce, as may render it expedient to put a stop to it, it may be done without using any rigour by prohibiting the governors in *North America* to grant flags of truce to the *French* islands for the future, which would effectually answer the purpose.

I therefore

I therefore flatter myself with hopes, that although by the strict letter of his majesty's proclamation, these vessels, with their cargoes, may be liable to confiscation; yet that the lords of appeal will remember that good maxim of the law "*summum jus, summa injuria*;" which, if they should be condemned, will be most fatally verified, not more to the detriment of individuals, than of the publick.

F I N I S.

I therefore rather would wish to see that
although by the strict letter of his majesty's
proclamation, these vessels, with their car-
goes, may be liable to confiscation; yet that
the lords of appeal will remember that good
maxims of the law " *hominum in-
iuria non nocent*," which, if they should be condemn-
ed, will be most fatally verified, and more to
the detriment of individuals than of the
public.

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good
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be